

**DELTA PROTECTION COMMISSION**

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**AGENDA ITEM #9**

March 12, 1999

**To:** Delta Protection Commission

**From:** Margit Aramburu, Executive Director

**Subject:** Review and Approval of Proposed Contract Between CALFED and Delta Protection Commission to Participate in Delta Dredging and Reuse Strategy Study

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**Background:**

For several years the Commission and others have been urging resolution of issues associated with dredging within the Delta and reuse of that dredged material in the Delta for levee repairs and habitat enhancement projects. The CALFED program includes a number of projects which would include dredging and reuse of dredged materials in the Delta. Dredging projects include: channel enlargement for water conveyance and for flood control. Reuse projects include: use of dredged materials for: levee maintenance; construction of land side berms; construction of waterside berms; subsidence control (capping); filling deep dredger cuts which adversely affect levee stability; enhancing in-channel islands; and creation of shallow water habitat. Dredging and reuse of dredged materials is largely regulated by the Central Valley Regional Water Quality Control Board (Board). The Board indicated it has been unable, due to staff and funding limitations, to determine if there are existing appropriate standards which could be used to analyze Delta dredging and reuse proposals.

**CALFED Grant:**

In March 1997, CALFED approved a grant of \$500,000 to the Secretary of Resources to address these issues. The Secretary asked the Department of Fish and Game (DFG) to oversee the project. In turn, DFG asked the Board and the Commission to participate in the project. The project will include gathering data on the qualities of Delta sediment from old tests (baseline conditions), reviewing other regulatory programs, and developing a program specifically for use in the Delta. This project will take two years and be overseen by a dozen panel members. (Note: The Delta Protection Commission will have a seat on the oversight committee.). The Delta Protection Commission is slated to receive up to \$24,000 for reimbursement of staff time for administrative tasks associated with the project and travel reimbursements for non-public committee members.

**Staff Recommendation:**

The Commission should review the attached scope of work and authorize the Director to sign the proposed contract for reimbursement and undertake the designated tasks. The reimbursable work will begin in FY 99-00.



## **Exhibit A: Scope of Services**

**Project Title: Delta Dredging and Reuse Strategy**

### **A. Background of the Project**

Dredging projects for channel maintenance and new construction have been on-going activities in the Sacramento-San Joaquin Delta (Delta). Increasingly, dredge spoils are seen as a source of material for levee maintenance and habitat development and restoration. There is a demand for large volumes of low cost material to improve Delta levees and restore shallow wetland habitats, and dredge spoils are a potential source of material. However, scientific background information is generally lacking for establishing safe levels of dredge sediment contaminants for the protection of surface and ground water beneficial uses in the Delta. Several large dredging projects with the potential for sediment reuse are being considered including: the Baldwin Ship Channel deepening; deepening the Sacramento and Stockton Deep Water Ship Channels; and the Interim South Delta Project. Small scale demonstration projects have been completed in an attempt to address a number of issues. However, not enough information has been provided to fully evaluate the potential impacts from large scale dredging projects.

State Authority to regulate the discharge and threatened discharge of waste to waters of the State, including surface water, ground water, and wetlands was granted to the State Water Resources Control Board in the Porter-Cologne Water Quality Control Act (Act). Water Quality Control Plans implement the Act by designating the beneficial uses to be protected, and the water quality objectives reasonably required for that purpose. For dredging projects in the freshwater portions of the Delta, the Central Valley Regional Water Quality Control Board (Regional Board) is the agency responsible for establishing Waste Discharge Requirements (WDRs). These WDRs are issued on a case-by-case basis for projects generating more than 100,000 cubic yards (cy) of dredged material. General Orders may be issued for categories of dredge sediment reuse options or for projects generating less than 100,000 cy of dredge sediment. Any policy or WDR adoption requires California Environmental Quality Act (CEQA) compliance and, potentially, adoption of an Environmental Impact Report. There are currently no resources to do this work. Regional Board staff has continued to review dredging project proposals, but lack of information and criteria makes this process very staff intensive and decisions end up being over or under protective. Again, staff resources are needed to support this effort.

The Department of Fish and Game (DFG), Regional Board, and Delta Protection Commission (DPC), through guidance and oversight of a CALFFD appointed Technical Advisory Panel, will develop a Delta Dredge Reuse Strategy (DDRS) for developing a permitting process for dredge projects that is protective of water quality and fish and wildlife resources in the Delta. The purpose of the DDRS will be to recommend sediment quality and testing guidelines (both accepted and amended guidelines) and information needs required for future development of a Regional Dredge Material Management Plan. As the DDRS is developed and existing background information is obtained, the Regional Board and DFG, with oversight by the Technical Advisory Panel, will identify sediment contaminants of concern for proposed dredge projects and establish interim sediment quality objectives for the identified contaminants contingent on existing supporting data. This information, along with the appropriate CEQA documentation, will be used for drafting WDRs for specific dredge projects in the Delta. Also, if enough supporting data is available, General Orders could be developed for small dredge projects or for categories of dredge material reuse options. Dredge material reuse categories include: (1) levee placement, dry environment, land side; (2) levee placement, wetland, land side; (3) levee placement, water side; (4) open water; (5) open water, capped and covered; and (6) unrestricted use.

#### **B. Scope of the Project**

This proposal outlines nine tasks to develop the DDRS and issue WDRs for specific dredge projects within a two year timeline. Depending on the quality of existing sediment data, the scope of this project may include issuance of General Orders for categories of dredge sediment uses. It is anticipated that dredging projects under 100,000 cy of sediment may be permitted by a General Order, while projects over 100,000 cy may be permitted by a specific WDR. This criterion is consistent with the U.S. Army Corps of Engineers General Permit 14 and the Delta Protection Act of 1988.

#### **C. Objectives and Benefits of the Project**

The Regional Board and DFG with guidance from the Technical Advisory Panel will develop a DDRS for assuring that dredging and dredge sediment reuse options are conducted in a manner that is protective of water quality and fish and wildlife resources. The DDRS will consist of interim sediment quality objectives and a streamlined permitting process for Delta dredge projects as well as a plan for implementing additional studies and pilot projects for filling data gaps. It is anticipated that the DDRS will be used in the development of a Regional Dredge Material Management Plan.

#### **D. Responsibilities of Each Party**

The contracts will be administered by CALFED. The Regional Board and DFG will participate in different capacities in Tasks 2 through 9. The Technical Advisory Panel will be facilitated and administered by the DPC. The Technical Advisory Panel (will have one representative each from (1) DFG; (2) Department of Water Resources; (3) Regional Board; (4) Corps of Engineers; (5) U.S. Fish and Wildlife Service; (6) DPC; (7) U.S. Geological Survey; (8) San Francisco Bay Institute; (9) ecologist from academic (i.e. UC or CSU); (10) environmental engineering consultant; (11) environmental interest (i.e. Deltakeeper); (12) local government; and (13) levee maintenance district.

The DPC will perform all task described in task #1 and participate in all TAP activities. Tasks #2 through 9 will be completed by either the Regional Board or DFG and are described here to provide information on the project as a whole.

#### **E. Task Descriptions and Timelines (months; starting from funding date)**

##### Task #1 - Select and Convene a Technical Advisory Panel (TAP); 1 - 24

A Technical Advisory Panel will be selected and present to the Ecosystem Roundtable and then submitted for review by the CALFED Policy Group. The TAP will oversee the development of the DDRS. The Regional Board will be part of the TAP. DPC staff will assist in recruitment and selection of candidates for the TAP; select and reserve meeting locations; develop a mailing list of participants and interested parties; prepare meeting notices and agendas; prepare meeting notes; duplicate and distribute material to be reviewed by the TAP; review and approve for payment travel expenses of designated members of the TAP; and other administrative tasks as required.

Task #1 Deliverables: The list of candidates selected for the TAP will be presented for approval by the CALFED Ecosystem Roundtable and Policy Group. Copies of the final TAP membership list, the mailing list, meeting agendas, and all mailing materials will be provided to CALFED on a monthly basis, starting one month after execution of the contract.

##### Task # 2 - Participate in Advisory Panel Meetings; 1 - 24

Regional Board staff will assist the DFG, DPC and other Advisory Panel members with developing meeting agendas which will guide the development of the DDRS and interim sediment quality objectives. It will be the responsibility of Regional Board staff to assure that meetings address, among other issues, a focused strategy for collating the information necessary for establishing interim sediment quality criteria for drafting WDRS.

Task # 3 - Compile Proposed Delta Dredging Project Information; 1-6

Obtain background information from CALFED, Department of Water Resources and Army Corps of Engineers that describes all current and proposed dredge projects in the Delta. Regional Board staff will assure that the projects are adequately described including proposed dredge material reuse plans with CEQA documentation and proposed timelines for implementation. This information will help Regional Board staff focus data gathering efforts toward projects in specific regions of the Delta where dredging operations are proposed to occur, and help prioritize the types of projects which will occur first.

Task #4 - Collate Existing Sediment Quality Data and Guidelines; 4-9

Regional Board staff will assist DFG with obtaining and organizing existing sediment quality data, dredge material guideline documents, CEQA documentation and information compiled from past dredging operations conducted in freshwater environments. Regional Board staff will focus their efforts on obtaining this information from Regional and State Board files but will also assure that other possible sources of information are investigated. Regional Board staff will work closely with DFG staff to prevent duplication of effort during the data gathering process. Criteria for evaluating the quality of the data compiled will be established by the Technical Advisory Panel.

Task #5 - Evaluate Existing Sediment Quality Data, 13-18

Using the data compiled from Task #3, Regional Board and DFG staff will identify sediment contaminant constituents of potential concern for the dredge projects outlined in Task #2 and use existing information to establish interim sediment quality objectives. This Task will include identifying and documenting information gaps that will likely be identified such as contaminant bioaccumulation and long-term environmental fate. Regional Board and DFG staff will work with other CALFED programs including the Comprehensive Monitoring, Assessment and Research Program (CMARP) as a possible means for filling the information gaps. A plan for filling the information gaps will be summarized in the DDRS.

Task # 6 - Drafting of WDRs Contingent on Existing Data, 13 - 18

Regional Board staff with support from DFG staff will use the interim sediment quality objectives for drafting WDRs for applicable dredge projects identified from Task #2. The number of dredge projects that WDRs are drafted for will depend on the quality of existing data, existing CEQA documentation and the type and location of the dredge project. WDRs may be issued on a case-by-case basis for projects generating more than 100,000 cubic yards (cy) of dredged material. General Orders may be issued for categories of dredge sediment reuse options or for projects generating less than 100,000 cy of dredge sediment.

Task # 7 - Assist with Development of a DDRS for Delta Sediments.  
13 - 24

Regional Board staff will assist DFG staff with the development of the DDRS with oversight and guidance from the Technical Advisory Panel. The DDRS will include a summation of existing sediment quality data, guidelines for assessing sediment quality, an outline of pilot studies needed to evaluate the environmental fate, including bioaccumulation, of constituents of concern identified in Task #4 and a prioritized list of regions in the Delta where sediment quality data is incomplete or lacking. This will include coordinating with other CALFED projects including the Comprehensive Monitoring, Assessment and Research Program (CMARP). The DDRS will also streamline the permitting process for WDRs and General Orders using dredge guidelines and other criteria.

Task # 8. Approval of DDRS for Delta Sediments and WDRs; 22 - 24

The final DDRS will be drafted and presented to the Ecosystem Roundtable and then submitted for review by the CALFED Policy Group. The Strategy will include:

- Identification of issues which have been adequately addressed through the process.
- General Order or WDRs and any necessary supporting CEQA documentation will be circulated for public review and comment then presented to the Regional Board for consideration of adoption. The preparation and adoption of these orders will proceed whenever adequate information exists to support the activity, and will not necessarily wait until the completion of the Strategy.
- Identification of issues which have not been adequately addressed through the process, and recommendations on whether and how to proceed to clarify those issues.

Task # 9. Participation in Pilot Project Studies, 6 - 24

There will be many data gaps concerning sediment quality, mobility and fate of constituents of concern in various reuse and disposal environs, and impacts of dredging, reuse and disposal activities on the environment. When dredging, reuse and disposal projects occur, the Regional Board staff will work with the project proponent, DFG, the TAP, and other interested parties to conduct appropriate monitoring to help fill in identified data gaps. In some instances this may require testing or other costs to be born by the parties other than the project proponent to obtain the desired data. Also, pilot projects and special studies will be coordinated with the CMARP when appropriate.

**F. Products**

TAP membership list and meeting materials for TAP meetings.

Quarterly reports describing progress on interim Sediment Quality Objectives, Comprehensive DDRS and WDRs.

The DDRS Report on how to effectively evaluate and permit dredge projects to assure Protection of water quality and fish and wildlife resources.

WDRs for specific projects or, if background information is supportive, General Orders for dredge material reuse categories or small projects.